

PLANNING BOARD MEMBERS PRESENT: Acting Chairman Susan Foote, Peter Evans, Mark Preston, Barrie Glidden III, Paul Himmer, Karen Knight Selectman's Representative.

Alternate: Michael Lowry Others Present: Paul Garand CEO, Thomas Morgan Town Planner, Michael Fowler Town Engineer.

MEETING OPENED: Acting Chairman Susan Foote opened the meeting at 7:04 p.m.

MOTION: Peter Evans To accept the minutes of March 2, 2004, as written.
SECOND: Michael Lowry PASSED

SECRETARY'S NOTATION:

Planning Board handed copy of letter from Arleigh Greene, GRA Real Estate, LLC to Mr. Skip McDonnell, Cimarron Realty Trust stating that it was hand delivered, dated March 11, 2004; in reference to fencing the southern border of property.

#3-46 - Proposal by GRA Real Estate Holdings., LLC for truck sales at 11 Stard Road, Tax Map 4, Lot 9-11. Henry Boyd, Jr., Millennium Engineering representing. Mrs. Arleigh Greene, Mr. Rusty Lavin present.

H. Boyd, Jr. addressed T. Morgan's comments:

H. Boyd, Jr. stated that first three comments were redundant and addressed in prior meetings.

4. Sign added to site plan.
5. Hour of operation were discussed with abutters and are noted on plans as 7:00 a.m. - 8:00 p.m. S. Foote - reiterates boards request for 7:00 a.m. - dusk because of lighting factor. H. Boyd, Jr. - we have placed lighting for the trailer. There isn't lighting out in the yard area. Maybe we can look at that. Dusk means shutting down at 4:00 p.m. in winter time - not reasonable.
6. Sound Barrier similar to Lowes is costly \$120. per lineal foot for 10 foot high fence - very expensive. Met with abutters with no resolution. Note on plan calls for 7 foot high chain link fence running entire length, starting edge of ROW on Stard Road to wetlands; sharing half the cost of fence for the first 400 feet, to where fill from abutting property spills over the stone wall, and continue, at his own cost, with chain link fence to the wetland mark.
7. Note on plans states one or two cabs. No storage in trailers. S. Foote - You are saying that it will only be trailers with one or two cab trucks for moving trailers, no other equipment. H. Boyd, Jr. - Nothing there offered for sale or repair. The trailer won't be there for anything other than to transport as necessary the trailers that are there for lease, rental or sales. There will be no storage inside those trailers on that site. S. Foote - concerned with storage of large pieces of equipment other forms of trucks. H. Boyd, Jr. - that's correct. H. Boyd, Jr. adds that he has discussed with Mr. Greene and to Rusty any type of equipment stored there long term other than for purposes that

Note #1 spells out, they will have to do some pavement, catch basins with grease hoods and stormwater controls and they understand that. Also, no expansion to take place without the Board seeing that proposed expansion.

8. H. Boyd, Jr. states he has satisfied Boards concerns - Met with abutters, did not come to a resolution on the fence. S. Foote addresses letter received by board this evening. Plan shows that chain link stopping and starting again at leach field area - is that your intention? H. Boyd, Jr. - No it will continue from the street to the wetlands.
9. 65 day Planning Board review period expired - T.Morgan suggests seek extension from selectmen or from applicant, or Board makes decision this evening.
10. Bond Amount - M. Fowler - final fence is major component of this bond, small amount for sewer and water services, as-built information.

P. Evans - has concerns with adverse effect truck lot will have on Best Western. Applicant should be responsible to erect satisfactory fence to protect abutter.

ABUTTERS:

John and Lorraine Fogg - No problem with project. Will help us with trespassers.

Glen Daigle, Best Western - In reference to Note #1 concern with "reasonable trucks", would like stipulation to state "one or two trucks". H. Boyd, Jr. - One or two maximum. 8:00 p.m. hour is OK. Concerning sound barrier wall - Best Western should not be responsible for cost of fence, would prefer sound barrier wall should go to the wetlands, bare minimum should be 10 foot height going past Pool facilities and into part of Building 3 - approximately 300-350 feet - this can tie into deer pen (saving about 75 feet of sound barrier fence) really concerned where all activities are: swing set, water slide. 7-foot chain link fence not adequate to stop the children, the dust and the noise. Would prefer stockade fence down to the wetland area - no site view. Absolutely essential fence be installed by June 1st. Busy time for Best Western starts in July. Fence must go by recreation facilities. There should be maintenance agreement to keep fence in repair. S. Foote states that that is a civil matter between two abutters.

Gary Dolan - Glad to see land put to productive use. Glad to have as neighbor.

S. Foote - Unfortunate that parties couldn't resolve fence issue. T. Morgan confirms to Board that it is legitimate request for board to offer some sort of resolution on this matter. S. Foote states again, unfortunate that site work had already been done prior to site review by Board. Resolution to this issue could have been easier. H. Boyd, Jr. - both parties want fence, feels issue is the expense of the fence. S. Foote - Has concerns with fill spillover where proposed fence stops and starts again. H. Boyd - an error, not intended to stop at that point. K. Knight offers preference of wood fence to a certain point and chain link the rest of the distance. M. McDonnell states stockade fence is more esthetically pleasing. Restates concerns about dust, sound, chain link fence easy for children to climb over - wants 10-foot high fence. H. Boyd, Jr. client willing to compromise - installing stockade fence from the street to the wetlands. S. Foote - states discrepancy in fence height - asks M. McDonnell if he is willing to pay the difference between 6 foot high stockade proposed and 10 foot high stockade requested. M. McDonnell - reiterates concern for dust and sound issues. P. Evans states zoning ordinances in town are

in place that addresses audible sound at property line, dust issues. K. Knight asks for 8-foot height as compromise. M. McDonnell - all right with 8 feet, if it is a sound barrier fence. S. Foote reiterates Planning Board is not the way to resolve this issue. H. Boyd, Jr. asks that the Board make the decision. T. Morgan suggests polling of Board on what kind of fence they feel appropriate and then make a motion.

8 Foot Stockade	S. Foote, K. Knight, P. Himmer, B. Glidden
6 Foot Stockade	M. Preston, M. Lowry
6 Foot Sound Barrier	P. Evans

MOTION *Mark Preston* *To construct 8 foot high stockade fence the entire length of property from street to the wetlands.*

SECOND *Karen Knight* *VOTE - P Evans opposed. PASSED 6 - 1*

MOTION *Mark Preston* *To accept #3-46 Proposal by GRA Real Estate Holdings, LLC For truck sales at 11 Stard Road, Tax Map 4, Lot 9-11, pending corrections to plan concerning fence and number of trucks on lot, and to be signed by chairman at the time of these corrections. Note #1 remove the word "reasonable" and insert "no more than two tractors". To set bond in the amount of \$45,000 to last for the term of two years, and that the bond shall be an irrevocable, self-calling letter of credit, or cash in a New Hampshire Bank or FDIC Bank that has offices in New Hampshire.*

SECOND *Michael Lowry* *VOTE - P. Evans opposed. PASSED 7-1*

Acting Chairman, Susan Foote requests change in order of proposals to be heard due to raging snowstorm.

#4-6 - Proposal by Valerie and Cleve Brown for a 2-lot subdivision at 153 Farm Lane, Tax Map 12, Lot 45. Henry Boyd, Jr., Millennium Engineering representing. Valerie and Cleve Brown present.

H. Boyd, Jr. addressed T. Morgan's comments:

1. Variance for frontage granted January 28, 2004.
2. Waiver requested concerning topographical contours.

Valerie Brown states house will be removed and new house built.

M. Fowler - Lot 1B may require sewer pumping station, fairly shallow sewer main exists. P. Evans asks if Sewer/Water Department had any comments - No. Inquires if board needs to request sewer pumping station - No, will be handled by Warner Knowles, Sewer/Water Department.

S. Foote reads comments from Conservation Board, for the record - Request that Planning Board review the Shoreland Protection guidelines. While the primary structure is allowed within 50' of the HOTL (Highest Observable Tide Line) - It should be more of a setback if possible. Secondary/support structures and vegetation constraints are stricter for this setback. Only fertilizer allowed to be used in this area is potash or lime on lawn.

MOTION *Peter Evans* *Waive topographical contour requirements.*
SECOND *Mark Preston* *PASSED - UNANIMOUSLY*

MOTION *Mark Preston* *To approve #4-6 - Proposal by Valerie and Cleve Brown for a 2-lot subdivision at 153 Farm Lane, Tax Map 12, Lot 45.*
SECOND *Karen Knight* *PASSED - UNANIMOUSLY*

Wayne Morrill, Jones & Beach Engineers, Inc. defers to Proposal #4-4 to be heard at this time.

#4-4 - Proposal by Donna Perkins, Matthew J. Perkins Irrevocable Trust, and Kathryn S. Williams, Esq. for a 5-lot subdivision at 35 Dows Lane, Tax Map 12, Lot 8-1. Henry Boyd, Jr., Millennium Engineering representing.

H. Boyd, Jr. addresses T. Morgan's comments:

- H. Boyd, Jr. states comments 1 - 6 have no relevance to the plan before Board.
7. Now a 4-lot subdivision with two duplexes, Rocky Brook Way has been eliminated.
 8. Should be no comments now from Water/Sewer Superintendent other than those other than those that would entail providing private independent water and sewer services to each lot.
 9. M. Fowler previously based bond amount of \$16,200 on new road being built- this road has been removed.

P. Evans - questions how Lot 3 will be accessed. H. Boyd, Jr. - has upland access. Note #3 should say "one year" of subdivision approval. H. Boyd, Jr. states average Lot 3 width calculated was 132.5 feet. S. Foote commends Note #5 concerning 6 inches of loam required.

MOTION *Mark Preston* *To approve #4-4 - Proposal by Donna Perkins, Matthew J. Perkins Irrevocable Trust, and Kathryn S. Williams, Esq. for a 4-lot subdivision at 35 Dows Lane, Tax Map 12, Lot 8-1, with correction on Note #3 adding "year", and to be signed by chairman at the time of these corrections.*
SECOND *Michael Lowry* *PASSED - UNANIMOUSLY*

#4-1 - Proposal by John Colliander & Henry Imke to move a lot line and to subdivide two lots into four lots on land situated between Chase Drive and Route 107, Tax Map 5, Lots 2 & 8-40. Wayne Morrill, Jones & Beach Engineers, Inc. representing.

Two large lots, one with frontage on Route 107, one with frontage on what is now considered London Lane.

W. Morrill addresses T. Morgan's comments:

1. Wetlands Scientist stamp on Sheets A1 and C1.
2. Zoning lines are depicted on both plans showing Rural/Industrial zones. Date for Board of Adjustment's decision concerning Industrial development was on June 23, 1999.
3. Floodplain map designations are from June 7, 1986.
4. Board has received signed application from Mr. John Colliander.
5. Chase Drive has been renamed to London Lane.
6. Road has not been accepted. Bond still in place for amount of \$21,452.50, to take care of rest of issues.
7. Proposed Lot #2-10 now has 125.01 foot frontage.
8. Previously discussed - refer to Note #4.
9. Topographical contours shown on Sheet C1.
10. Plan on submitting to board, four new buildings on each one of the lots. They will have driveways depicted.

Access and utility easement has been added to Lot 8-42 to be able to put common driveways in and minimize curb cuts onto London Lane.

P. Evans states more intensive use than normally allowed. M. Preston asked what were proposed uses for each lot.

W. Morrill states:

1. Todd Gerrish - Port Lighting
2. Tufts Transportation - truck shop
3. Potential client for carwash equipment sales, or an electrician
4. No client - Imke will be using this lot

M. Preston asks if there any waivers required. No.

MOTION: *Mark Preston* *To approve #4-1 - Proposal by John Colliander & Henry Imke
To move a lot line and to subdivide two lots into four lots on
Land situated between Chase Drive and Route 107, Tax Map
5, Lots 2 & 8-40.*

SECOND *Michael Lowry* *PASSED - UNANIMOUSLY*

#4-8 - Proposal by Bradku Inc., Kimberly Realty Trust, and Bruce & Cynthia Brown for a lot line adjustment and roadway construction between Adams Avenue & Route 286, Tax Map 15, Lots 110-10, 110-20, 111 & 112. Scott Mitchell, Scott Mitchell & Associates representing Mr. Kutcher, Mr. Brown.

Seven years working on this piece of property - 211 Feet on Route 286 with 12-foot driftway on Adams Avenue. Formerly owned by Joyce Eaton - 2.7 acres land. Went to Wetlands Board to try to get access through driftway. Purchased Mr. Doyle's property 134 feet frontage on Route 286. Route 286 is a limited access highway - meaning no access granted onto 286. Wetlands Board asked for access off Route 286, coupled with confusion concerning title to driftway, created delay. Wetlands granted right to use driftway, but not to fill it. Mr. Brown joint ventured adding 300 foot of road frontage, of wetland property, to create the frontage. Cleverly created three - 100 foot lots to make them conform to frontage and uplands requirements. Conceptual plan presented to Board on May 6, 2003 to create a common drive and have three duplex lots Board gave green light to obtain Wetland Permit. Presently in receipt of Wetland permit.

W. Morrill addresses T. Morgan's comments:

1. Lot design comments.
2. Wetlands permit submitted and noted on Note 5 Sheets P1 and C2.
3. Sheet C3 is now P1, utilities separated out - it is a 50-scale plan and profile.
4. Do not need to meet minor subdivision requirements, as it is a common driveway. S. Mitchell - after discussion with Wetland Board - done this way to minimize impact to wetland area.
5. Note #2, Sheet P1 states permanent wetland markers will be installed prior to the start of construction.
6. Floodplain map designations are from June 17, 1986.
7. Note #4, Sheet P1 positive drainage from the buildings to the roadways and all sills have been listed on the plans and graded.
8. Details D1 and D2, and Notes on Sheet E1 depict 6" loam.
9. Assigned lot numbers 27, 29 and 31 Adams Avenue from Tax Assessor. Common driveway, not road, no need for street name.
10. Common driveway - no sidewalks required.
11. Sheet P1 shows stabilization entrance, E1 shows materials for construction.

W. Morrill addresses Michael Fowler's comments:

1. Not a road - 18 feet private drive with utility and access easement to the units.
2. Underground utilities.
2. Considered private waterline and hydrant at the end, there is access and utility easement to that area, will contact Fire Department if they want responsibility for the hydrant. M. Fowler - concerns of Fire Chief and Warner preference in spacing of hydrants at 500 feet distance. Total length of driveway is 677 feet. Installing hydrant at Station 500 would place the hydrant in front of Units 3 and 4.

4. Believed only 24-inch pipe in road is sewer line. M. Fowler - definitely have storm drainage from ballfield on South Main Street to culvert by Elephant Rock. M. Fowler - might have to go nine feet with a bend to get underneath.
5. Added utility and access easement entire length. Utility plan show individual water services inside the easement and the sewer line is within the easement. M. Fowler - Warner states Town will only own, operate, control and maintain 8-inch valve on Adams Ave. Among the unit owners, they should have ownership of the 8 inch line all the way out to Adams Ave - there is one delinquent pair.
6. Will ask Warner Knowles for approval on diameter of water service. S. Foote states that the diameter of service makes a difference when installing water meters.
7. Applicant plans to blast - will contact Fire Department. S. Foote requests a series of smaller blasts as opposed to big blasting. Area people's wells were destroyed when blasting at Elephant Rock and Watson Lot.
8. Sheet P1 shading goes to the bottom of side slope right down to the silt fence which is why it is 8,000 sq. ft. - it was all the side slopes. 2-1 side slope.
9. Dredge and fill area now 8,000 sq. ft. of wetland impact.
10. Bond

W. Morrill - Mr. Starkey's comments reflect proposed subdivision road, this is common driveway. Fire Department will move hydrant - no need for name, as it is not a road. S. Foote - even though driveway, it should have name for emergency purposes. W. Morrill - agrees, will talk with Fire Department.

Warner's comments, water shutoff at Adams Ave., stop the water main at the fire hydrant and extend 2 inch lines out to other units, the sewer and water valves are all private utilities owned by the six units. Will make modifications that Warner asked for. S. Foote - because there will be revisions made to plans, make clear that it is common driveway and not road. W. Morrill - General Note #1 on Sheet T1 state 3-lot subdivision, in residential zone, with private common driveway. S. Foote - needs to be specified, could see several years from now Town assuming that this is a town road. T. Morgan cites concerns that people that bought these units will believe it is a town road and expect town services. That some day the town may get stuck with this as a road to maintain and it would be substandard.

P. Evans - In his opinion, this is really a minor subdivision. Questions public safety concerning adequate access for fire, etc. S. Foote - have no problem with it being common driveway sharing with six units, because one less road to maintain. Should be clearly noted in multiple places, including in the deeds, on the plans. ConCom comments, because of amount of wetlands, would like the plan attached to and recorded with the deed, not just a reference to the plan. S. Foote - to help distinguish it as private driveway, use gang utility mailbox on Adams Ave. T. Morgan - if you are ok with concept of this as a driveway, you want to get some kind of mechanism into it to prevent it from being converted to a public road. Discussion ensued concerning road v common driveway v minor subdivision. P. Evans suggests second review for Department Heads. S. Mitchell - no problem stipulating that it is not town road, no problem putting it on deed and recording a plot plan with it. S. Foote - if these are to be condominiums, condo documents could also reflect status of driveway. S. Mitchell - No problem with Mr. Starkey, is clear on what Warner wants, will talk to Fire Chief about name, state on plan services that will not be available to these units. S. Foote - East side of driveway is upland that could be used to construct gang utility mailbox and trash pickup area, which will reinforce idea that town services are on Adams Ave. S. Mitchell - will put that on plan. T. Morgan asks S. Mitchell what mechanism would he propose to prevent

this from being converted to a town road in the future. S. Mitchell - put something in the condo documents and on the approval plan. Angel Jean asks if road can be names "something Private Way". S. Foote - not sure if town even names Private drives, maybe distinguish designation by sign color. T. Morgan - name is good idea. S. Mitchell asks to continue in two weeks - April 6, 2004. P. Garand - hydrant to be a quickanik. S. Foote voices Conservation Commission's comments that this will be a very densely populated wetlands area. ConCom strongly recommends fencing at wetland edge with wetland signage attached to fence. Asking that Plat plan for lot be attached to deed and recorded with deed. S. Mitchell - will talk to clients about ConCom's concerns. S. Foote - attach Wetland regulations or at least wetland permit to deeds.

Acting Chairman Susan Foote continues hearing to April 6, 2004.

The snow continues to fall...

#4-7 - Proposal by Jean K. Gove, 1987 Trust for a 15-lot subdivision between Foggs Lane and Gove Road, Tax Map 7, Lot 50. Wayne Morrill, Jones & Beach Engineers, Inc. representing.

15-lot subdivision with 700 linear feet of roadway, plan quite different from what was presented to board a few weeks ago. Major changes is sewer now is going to be going gravity out to Gove Road instead of having a pump station coursing back up to Foggs Lane, now 20 foot wide sewer easement going out to Gove Road. Wetlands drainage and utility easement has been modified to list what lots it is actually on. Proposing 15 lots all accessing Jean Drive except Lot 15, which will access off of Foggs Lane. Sidewalk along entire length of Foggs Lane and sidewalk all the way into the circle. Changed the roadway to have SGC on the entire south side, with 3 foot wide grass strip and sidewalk on south side, closed drainage system which had culvert headwall on Lot #1 to capture the drainage from Lot 1 and 2, drains into a drainage system and dumps back into swale and small pond - pond has a constant water level of 1 foot depth in pond at all times. Silt fence installed. There still is swale on north side. Utility water shutoff s are shown- sewer going cross-country gravity out to Gove Road - no more pump station onto Foggs Lane.

W. Morrill addresses T. Morgan's comments:

1. Floodplain map designations are from June 17, 1986.
2. On Sheet A1 is listed as Drainage Easement on Lots 8-12 and Lot 15 - this is for the drainage pond so that town can maintain drainage structure that is part of the proposed roadway. T. Morgan questions enough upland, dedicated for other uses - interprets that easement area should not be included in uplands calculations. W. Morrill - will come back and show numbers of what is useable uplands area.
3. Sheet C2 now named "Overall Site Plan"
4. A nod and a thank you concerning Jones & Beach Engineers lot configuration.
5. Sheet P1 shows all proposed grading for entire subdivision.
6. That Note now states permanent wetland boundary markers prior to construction.
7. Revised sheet A1 - Note has been changed.
8. All Details in D1 and D2 and E1 shows/references 6 inches of loam.
9. Labeled Lots 8-12 and Lot 15 - recipients being Town of Seabrook.

10. Plan has been forwarded to Streetlight Committee.
11. Proposed Jean Drive for street name - haven't confirmed with Fire Chief yet.
12. Make it beautiful - beautiful entrance/streetscape trees.
13. Site Specific permit from NHDES - not required.
14. Sidewalks added along Foggs Lane and into circle.
15. Material specs for construction stabilization entrance now shown on Sheet E1.
16. Bond amount - Mike Fowler needs to use review plan, revised drainage for new bond amount. Reference Warner's comments concerning hydrants and 2-inch mains. Will review and submit bond amount suitable by next meeting.

Department Head comments:

DPW - new plan conforms to comments made by J. Starkey.

Fire Department - need to confirm road name. M. Preston offers that they can contact 911 and ask for list of street listings in Seabrook.

Water/Sewer - concerns addressed.

Building & Health/CEO - Paul comments that present plan does not allow for road continuation. S. Mitchell - spoke to Jean Gove and she doesn't want to plan for extension for future subdivision. Lot #7 stay with main lot and make it so that future road can be continue down through.

T. Morgan - addresses S. Mitchell that, as a compromise, dedicate 50 foot ROW to the edge of the property. Once those two lots are sold, you will never get a road through. P. Garand - should promote future continuation of all roads and interconnectivity. Discussion continues on dead end roads and too many cul-de-sac's in town. Discussion concerning rerouting sewer easement.

ABUTTERS:

William Donovan - states Ms. Gove indicated to him that son to live on Lot #50. S. Mitchell - Ms. Gove recently asked for 150x 200 ft. subdivided piece for son.

W. Donovan - Concerned that he is at the end of sewer easement and what impact this subdivision connection will have on him. M. Fowler states existing sewer oversized for that area and should not impact him.

S. Foote inquires about houses being built on slabs, no basements, because of groundwater issues.

S. Morrill - plans include basements, but area will be built up.

Acting Chairman Susan Foote continues hearing to April 6, 2004.

P. Garand - Had pre-construction meeting on Sandpiper Lane. Would like something in writing that bond should be in place before any work starts, on any future projects from now on. Should have some guarantee that things are done properly. Also would like to have it written that there is a pre-construction meeting with town and all Department Heads, make sure they are doing things they way they are suppose to and in the right time frame. Some of this needs to be put into place quickly.

S. Mitchell requests to be on agenda of April 6, 2004 for informal hearing on his property behind CVS. Sign lease with Bank.

CORRESPONDENCE:

1. NHDOT concerning Hampton Toll Plaza - One way tolling
2. Walter Mitchell to T. Morgan re: Carey v. Town of Seabrook
3. USEPA to municipal official - Federal requirements dealing with storm water and construction activity. EPA Construction General Permit Overview, Permit Basics: The Federal EPA Storm Water Permit for Large and Small Const. Projects, 2 Press Releases announcing enforcement actions.
4. FEMA response concerning Flood Insurance Study and Rate Map FIS/FIRM
5. Memo concerning bond reduction of Ava Mae Subdivision.
6. Memos concerning outstanding Planning Board billings.
Procedural problem - Planning Board not bill collectors. Needs to be addressed with Town Manager.
7. Mitchell to F. Welch re: Border Winds Letter of Credit.
8. Memo to Planning Bd. From Town Manager re: Bond Reduction Belgian Drive.
9. Atty. Simmons to F. Welch re: Ivan Eaton Jr. Cease and Desist Order.
10. Legal Notice - Durham Planning Board - Public Meeting re: Personal Wireless Service Facility/Verizon 3/24/2004.
11. Abutters Notice from Town of Hampton Falls re: Carroll Pineo/Stard Road.
12. M. Fowler letter re: calculations for bond on Lowe's Home Improvement Store.

Respectfully Submitted,

Melanie Huddell

10,11

SECRETARY'S NOTATIONS

MYLARS RECORDED ON 3/19/04		
#3-49	Elizabeth Rourke condominium conversion at 39 Pages Lane, Tax Map 7, Lot 16	D-31438
	Condo Papers @ 2:32 p.m.	#20854
#4-6	Valerie and Cleve Brown 2-lot subdivision at 153 Farm Lane, Tax Map 12, Lot 45	D-31439
#3-47	Seabrook Reclamation Society, Inc. and Roland Coulliard - lot line mergers and 7-lot subdivision west of Ocean Boulevard opposite Amesbury Street, Tax Map 26, Lots 80 & 104	D-31440